

AMENDED IN ASSEMBLY APRIL 2, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 342**

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**Introduced by Assembly Member Blumenfield**

February 13, 2013

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An act to amend ~~Section~~ Sections 46300.8, 51745, 51745.6, 51747, and 51747.3 of, and to add Section 46300.9 to, the Education Code, relating to *online instruction and independent study*.

LEGISLATIVE COUNSEL’S DIGEST

AB 342, as amended, Blumenfield. ~~Independent study: pupil to certificated employee ratio. Online instruction and independent study.~~

(1) Existing law establishes the public elementary and secondary school system in this state, and further establishes a funding system pursuant to which the state apportions funds to local educational agencies based on, among other factors, the average daily attendance of pupils at the schools operated by those agencies. Numerous statutes and regulations govern the calculation and reporting of average daily attendance.

Existing law, commencing with the 2014–15 school year, authorizes, for purposes of computing average daily attendance, the inclusion of pupils in grades 9 to 12, inclusive, under the immediate supervision and control of a certificated employee of the school district or county office of education who is delivering synchronous, online instruction, as defined, provided that this instruction meets specified criteria. Existing law requires, if a school district or county office of education elects to offer synchronous, online instruction, that the school district or county office of education provide all pupils who choose to enroll

*in a synchronous, online course access to the computer hardware or software necessary for the pupil to participate in the course.*

*Existing law requires the Superintendent of Public Instruction to establish rules and regulations for purposes of implementing these provisions, and requires those rules and regulations to, at a minimum, address specified matters. Existing law also authorizes the Superintendent to provide guidance regarding the ability of a school district or county office of education to provide synchronous, online instruction. These provisions become inoperative on July 1, 2019, and are repealed on January 1, 2020.*

*This bill would make these provisions applicable to technology-based synchronous instruction, as defined, rather than synchronous, online instruction. The bill would also make this provision expressly applicable to charter schools. The bill would delete the language that renders the bill inoperative on July 1, 2019, and repeals it on January 1, 2020, thereby extending the operation of this provision indefinitely.*

*The bill would add provisions relating to attendance, supervision of pupils, evaluation, and other requirements for technology-based asynchronous instruction, as defined, to be included in the calculation of average daily attendance.*

*(2) Existing law authorizes the governing board of a school district or a county office of education to offer independent study to meet the educational needs of pupils in accordance with prescribed criteria. Existing law requires that not more than 10% of the pupils participating in an opportunity school or program, or a continuation high school, calculated as specified by the State Department of Education, be eligible for apportionment credit for independent study.*

*This bill would instead require the calculation to be based on the prior year average daily attendance reported to the department.*

**Existing**

~~*(3) Existing law authorizes the governing board of a school district or a county office of education to offer independent study and requires the ratio of average daily attendance for independent study pupils 18 years of age or less to full-time equivalent certificated employees responsible for independent study to not exceed a specified ratio.*~~

*This bill would authorize a school district or a county office of education to collectively bargain for a higher establish a different ratio of average daily attendance for independent study pupils 18 years of age or less to full-time equivalent certificated employees responsible for independent study through a locally bargained agreement.*

(4) Existing law provides that a school district or county office of education is not eligible to receive apportionments for independent study pupils unless it has adopted and implemented certain policies, including, but not limited to, policies related to the maximum length of time that may elapse between the time an independent study assignment is made and the date by which the pupil must complete the assigned work, the number of missed assignments that will be allowed before an evaluation is conducted to determine whether it is in the best interests of the pupil to remain in independent study, the manner, time, frequency, and place for submitting a pupil's assignments and for reporting his or her progress, and requiring a written agreement for each independent study pupil to be maintained on file.

This bill would extend these provisions to charter schools, and would require a school district, county office of education, or charter school to adopt different policies to be eligible to receive apportionments for independent study pupils, including, policies requiring periodic contact between the certificated employee providing instruction and the pupil to assess whether satisfactory educational progress, as defined, is made. The bill would require the written agreement for each independent study pupil that is maintained on file to include different information, and would authorize the written agreement to be maintained in a paper or electronic copy, as defined. The bill would authorize independent study to commence upon receipt of an electronic copy of the agreement.

(5) Existing law prohibits a local educational agency, including, but not limited to, a charter school, from claiming state funding for the independent study of a pupil if the local educational agency has provided any funds or other thing of value to the pupil or his or her parent or guardian that the local educational agency does not provide to pupils who attend regular classes or their parents or guardians.

This bill would provided that this prohibition does not apply to technology-based instruction courses for which the local educational agency provides computer equipment, software, or both, or other components necessary for pupils to participate in online instruction.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     **SECTION 1.** Section 46300.8 of the Education Code is amended  
2     to read:

1 46300.8. (a) Commencing with the 2014–15 school year,  
2 attendance of pupils in grades 9 to 12, inclusive, under the  
3 ~~immediate~~ supervision and control of a certificated employee of  
4 the school district ~~or~~, county office of education, *or charter school*  
5 who is delivering ~~synchronous, online technology-based~~  
6 *synchronous* instruction shall be included in computing average  
7 daily attendance, provided that all of the following occur:

8 (1) The certificated employee providing the instruction confirms  
9 pupil attendance through visual recognition during the class period.  
10 A pupil logon, without any other pupil identification, is not  
11 sufficient to confirm pupil attendance.

12 (2) The class has regularly scheduled starting and ending times,  
13 and the pupil is scheduled to attend the entire class period. Average  
14 daily attendance shall be counted only for attendance in classes  
15 held at the regularly scheduled time.

16 (3) An individual with exceptional needs, as defined in Section  
17 56026, may participate in ~~synchronous, online technology-based~~  
18 *synchronous* instruction only if his or her individualized education  
19 program developed pursuant to Article 3 (commencing with Section  
20 56340) of Chapter 4 of Part 30 specifically provides for that  
21 participation.

22 (4) If a school district ~~or~~, county office of education, *or charter*  
23 *school* elects to offer ~~synchronous, online technology-based~~  
24 *synchronous* instruction pursuant to this paragraph, the school  
25 district ~~or~~, county office of education, *or charter school* shall not  
26 deny enrollment to a pupil based solely on the pupil's lack of access  
27 to the computer hardware or software necessary to participate in  
28 the ~~synchronous, online technology-based synchronous instruction~~  
29 course. If a pupil chooses to enroll in a ~~synchronous, online~~  
30 *technology-based synchronous instruction* course and does not  
31 have access to the necessary equipment, the school district ~~or~~,  
32 county office of education, *or charter school* shall provide, for  
33 each pupil who chooses to enroll in a ~~synchronous, online~~  
34 *technology-based synchronous instruction* course, access to the  
35 computer hardware or software necessary to participate in the  
36 ~~synchronous, online technology-based synchronous instruction~~  
37 course.

38 (5) The ratio of average daily attendance for ~~synchronous, online~~  
39 *technology-based* pupils who are 18 years of age or younger to  
40 school district full-time equivalent certificated employees

1 responsible for ~~synchronous, online~~ *technology-based synchronous*  
 2 instruction, calculated as specified by the department, shall not  
 3 exceed the equivalent ratio of pupils to full-time certificated  
 4 employees for all other educational programs operated by the  
 5 school district, unless a higher or lower ratio is negotiated in a  
 6 collective bargaining agreement.

7 (6) The ratio of average daily attendance for ~~synchronous, online~~  
 8 *technology-based* pupils who are 18 years of age or younger to  
 9 county office of education full-time equivalent certificated  
 10 employees who provide ~~synchronous, online~~ *technology-based*  
 11 *synchronous* instruction, to be calculated in a manner prescribed  
 12 by the department, shall not exceed the equivalent ratio of pupils  
 13 to full-time certificated employees for all other educational  
 14 programs operated by the high school or unified school district  
 15 with the greatest average daily attendance of pupils in that county,  
 16 unless a higher or lower ratio is provided for in a collective  
 17 bargaining agreement. The computation of the ratios specified in  
 18 paragraph (5) and this paragraph shall be performed annually by  
 19 the reporting agency at the time of, and in connection with, the  
 20 second principal apportionment report to the Superintendent.

21 (b) The Superintendent shall establish rules and regulations for  
 22 purposes of implementing this section that, ~~at a minimum~~, address  
 23 all of the following:

24 (1) How school districts ~~and~~, county offices of education, *or*  
 25 *charter schools* include pupil attendance in ~~online~~  
 26 *technology-based synchronous instruction* courses in the  
 27 calculation of average daily attendance pursuant to Section 46300.

28 (2) How to ensure a pupil meets minimum instructional time  
 29 requirements pursuant to the following:

30 (A) Section 46141 and Section 46201, 46201.5, or 46202, as  
 31 applicable, for pupils enrolled in a noncharter school in a school  
 32 district or county office of education.

33 (B) Section 46170, for pupils enrolled in a continuation school.

34 (C) Section 46180, for pupils enrolled in an opportunity school.

35 (3) Require statewide testing results for ~~online~~ *technology-based*  
 36 pupils to be reported and assigned to the school in which the pupil  
 37 is enrolled for regular classroom courses, and to any school district  
 38 ~~or~~, county office of education, *or charter school* within which that  
 39 school's testing results are aggregated. *Testing results may be*  
 40 *disaggregated for the purpose of comparing technology-based*

1 *pupils' testing results to the results of those pupils enrolled for*  
2 *regular classroom courses.*

3 (4) Require attendance accounted for pursuant to this section  
4 to be subject to the audit conducted pursuant to Section 41020.

5 (c) The Superintendent may provide guidance regarding the  
6 ability of a school district~~or~~, county office of education, *or charter*  
7 *school* to provide~~—synchronous,—online~~ *technology-based*  
8 *synchronous* instruction.

9 (d) *A technology-based synchronous instruction course shall*  
10 *be approved by the governing board of the school district or county*  
11 *office of education, or by the governing body of the charter school,*  
12 *shall be as rigorous as a classroom-based course, and shall meet*  
13 *or exceed all relevant state content standards.*

14 ~~(d)~~

15 (e) For purposes of this section, ~~“synchronous, online~~  
16 *“technology-based synchronous instruction”* means a class or  
17 course in which the pupil and the certificated employee who is  
18 providing instruction are online at the same time ~~and through the~~  
19 *use of electronic means, including, but not necessarily limited to,*  
20 *the use of real-time, Internet-based collaborative software that*  
21 *combines audio, video, file sharing, and other forms of interaction.*

22 ~~(e) This section shall become inoperative on July 1, 2019, and,~~  
23 ~~as of January 1, 2020, is repealed, unless a later enacted statute,~~  
24 ~~that becomes operative on or before January 1, 2020, deletes or~~  
25 ~~extends the dates on which it becomes inoperative and is repealed.~~

26 *SEC. 2. Section 46300.9 is added to the Education Code, to*  
27 *read:*

28 *46300.9. (a) Commencing with the 2014–15 school year,*  
29 *attendance of pupils in grades 9 to 12, inclusive, under the*  
30 *supervision of a certificated employee of the school district, county*  
31 *office of education, or charter school who is delivering*  
32 *technology-based asynchronous instruction shall be included in*  
33 *computing average daily attendance, provided that all of the*  
34 *following occur:*

35 (1) (A) *Periodic contact between the certificated employee*  
36 *providing instruction and the pupil to assess whether satisfactory*  
37 *educational progress is made.*

38 (B) *If satisfactory educational progress is not made, a*  
39 *certificated employee shall notify the pupil and the pupil's parent*  
40 *or guardian.*

1 (C) If satisfactory educational progress is not made, an  
2 evaluation shall be conducted to determine whether it is in the best  
3 interests of the pupil to remain in technology-based asynchronous  
4 instruction, or whether he or she should return to the regular  
5 school program. A written record of the findings of any evaluation  
6 made pursuant to this subdivision shall be treated as a mandatory  
7 interim pupil record. The record shall be maintained for a period  
8 of three years from the date of the evaluation and, if the pupil  
9 transfers to another California public school, the record shall be  
10 forwarded to that school. A pupil shall not continue to participate  
11 in technology-based asynchronous instruction without evidence  
12 of satisfactory educational progress unless technology-based  
13 asynchronous instruction is determined by the district or county  
14 superintendent, or charter administrator, to be in the best interest  
15 of the pupil.

16 (D) For purposes of this section, “satisfactory educational  
17 progress” includes meeting measures such as applicable statewide  
18 accountability measures and assessments, the completion of  
19 assignments, required laboratories or online workgroups, or other  
20 indicators that the pupil is working on assignments and learning  
21 required concepts, as determined by the supervising certificated  
22 employee.

23 (2) A current written agreement for each pupil engaged in  
24 technology-based asynchronous instruction is maintained on file  
25 in a paper or electronic copy. The written agreement shall include  
26 a copy of the governing board’s technology-based asynchronous  
27 instruction authorization, and shall include, but is not limited to,  
28 all of the following:

29 (A) A statement of the policies adopted pursuant to paragraph  
30 (1) and as determined by each local educational agency that  
31 specifies periodic contact between pupils and certificated  
32 employees and identifies the accountability measures and  
33 assessments that will be used to determine satisfactory educational  
34 progress.

35 (B) The duration of the technology-based asynchronous  
36 instruction written agreement.

37 (C) A statement of the number of course credits to be earned  
38 by the pupil upon completion. In all cases, the authorization for  
39 technology-based asynchronous instruction shall include the

1 *learning objectives required to achieve satisfactory educational*  
2 *progress.*

3 *(D) The inclusion of a statement in each technology-based*  
4 *asynchronous instruction agreement that technology-based*  
5 *asynchronous instruction is an optional educational alternative*  
6 *in which no pupil may be required to participate. In the case of a*  
7 *pupil who is referred or assigned to any school, class, or program*  
8 *pursuant to Section 48915 or 48917, the agreement also shall*  
9 *include the statement that instruction may be provided to the pupil*  
10 *through technology-based asynchronous instruction only if the*  
11 *pupil is offered the alternative of classroom instruction.*

12 *(E) The signatures, affixed before the commencement of*  
13 *technology-based asynchronous instruction, of the pupil, the pupil's*  
14 *parent, legal guardian, or caregiver if the pupil is less than 18*  
15 *years of age, and the certificated employee who has been*  
16 *designated as having responsibility for the general supervision of*  
17 *technology-based asynchronous instruction. For purposes of this*  
18 *paragraph "caregiver" means a person who has met the*  
19 *requirements of Part 1.5 (commencing with Section 6550) of*  
20 *Division 11 of the Family Code.*

21 *(b) Technology-based asynchronous instruction may commence*  
22 *upon receipt of an electronic copy of the agreement specified in*  
23 *paragraph (2) of subdivision (a).*

24 *(c) For purposes of this section, an "electronic copy" includes*  
25 *a computer or electronic stored image of an original document,*  
26 *including, but not limited to, portable document format (PDF),*  
27 *JPEG, or other digital image file type, which may be sent via fax*  
28 *machine, e-mail, or other electronic means.*

29 *(d) As a condition of apportionment, local educational agencies*  
30 *shall retain written or electronic documentation that demonstrates*  
31 *satisfactory educational progress for pupils engaged in*  
32 *technology-based asynchronous instruction.*

33 *(e) An individual with exceptional needs, as defined in Section*  
34 *56026, may participate in technology-based asynchronous*  
35 *instruction only if his or her individualized education program*  
36 *developed pursuant to Article 3 (commencing with Section 56340)*  
37 *of Chapter 4 of Part 30 specifically provides for that participation.*

38 *(f) If a school district, county office of education, or charter*  
39 *school elects to offer technology-based asynchronous instruction*  
40 *pursuant to this section, the school district, county office of*



1 *education, or charter school shall not deny enrollment to a pupil*  
2 *based solely on the pupil's lack of access to the computer hardware*  
3 *or software necessary to participate in the technology-based*  
4 *asynchronous instruction course. If a pupil chooses to enroll in a*  
5 *technology-based asynchronous instruction course and does not*  
6 *have access to the necessary equipment, the school district, county*  
7 *office of education, or charter school shall provide, for each pupil*  
8 *who chooses to enroll in a technology-based asynchronous*  
9 *instruction course, access to the computer hardware or software*  
10 *necessary to participate in the technology-based asynchronous*  
11 *instruction course.*

12 *(g) A technology-based asynchronous instruction course shall*  
13 *be approved by the governing board of the school district or county*  
14 *office of education, or by the governing body of the charter school,*  
15 *shall be as rigorous as a classroom-based course, and shall meet*  
16 *or exceed all relevant state content standards.*

17 *(h) For purposes of this section, "technology-based*  
18 *asynchronous instruction" means a class or course in which the*  
19 *pupil and the certificated employee who is providing instruction*  
20 *may be online at different times, allowing pupils and certificated*  
21 *employees to participate according to their own schedules.*  
22 *Communication and interaction may occur via electronic means,*  
23 *including, but not limited to, real-time, Internet-based collaborative*  
24 *software that combines audio, video, file sharing, and other forms*  
25 *of interaction.*

26 *SEC. 3. Section 51745 of the Education Code is amended to*  
27 *read:*

28 *51745. (a) Commencing with the 1990–91 school year, the*  
29 *governing board of a school district or a county office of education*  
30 *may offer independent study to meet the educational needs of*  
31 *pupils in accordance with the requirements of this article.*  
32 *Educational opportunities offered through independent study may*  
33 *include, but shall not be limited to, the following:*

34 *(1) Special assignments extending the content of regular courses*  
35 *of instruction.*

36 *(2) Individualized study in a particular area of interest or in a*  
37 *subject not currently available in the regular school curriculum.*

38 *(3) Individualized alternative education designed to teach the*  
39 *knowledge and skills of the core curriculum. Independent study*  
40 *shall not be provided as an alternative curriculum.*

1 (4) Continuing and special study during travel.

2 (5) Volunteer community service activities and leadership  
3 opportunities that support and strengthen pupil achievement.

4 (b) Not more than 10 percent of the pupils participating in an  
5 opportunity school or program, or a continuation high school,  
6 ~~calculated as specified by the department~~ *by prior year average*  
7 *daily attendance reported to the department*, shall be eligible for  
8 apportionment credit for independent study pursuant to this article.

9 A pupil who is pregnant or is a parent who is the primary caregiver  
10 for one or more of his or her children shall not be counted within  
11 the 10 percent cap.

12 (c) An individual with exceptional needs, as defined in Section  
13 56026, shall not participate in independent study, unless his or her  
14 individualized education program developed pursuant to Article  
15 3 (commencing with Section 56340) of Chapter 4 of Part 30  
16 specifically provides for that participation.

17 (d) A temporarily disabled pupil shall not receive individual  
18 instruction pursuant to Section 48206.3 through independent study.

19 (e) No course included among the courses required for high  
20 school graduation under Section 51225.3 shall be offered  
21 exclusively through independent study.

22 ~~SECTION 4.~~

23 *SEC. 4.* Section 51745.6 of the Education Code is amended to  
24 read:

25 51745.6. (a) The ratio of average daily attendance for  
26 independent study pupils 18 years of age or less to school district  
27 full-time equivalent certificated employees responsible for  
28 independent study, calculated as specified by the department, shall  
29 not exceed the equivalent ratio of pupils to full-time certificated  
30 employees for all other educational programs operated by the  
31 school district, unless a different ratio is ~~collectively bargained~~  
32 *established through a locally bargained agreement*. The ratio of  
33 average daily attendance for independent study pupils 18 years of  
34 age or less to county office of education full-time equivalent  
35 certificated employees responsible for independent study, to be  
36 calculated in a manner prescribed by the department, shall not  
37 exceed the equivalent ratio of pupils to full-time certificated  
38 employees for all other educational programs operated by the high  
39 school *district* or unified school district with the largest average  
40 daily attendance of pupils in that county, unless a different ratio

1 ~~is collectively bargained~~ *established through a locally bargained*  
2 *agreement.* The computation of those ratios shall be performed  
3 annually by the reporting agency at the time of, and in connection  
4 with, the second principal apportionment report to the  
5 Superintendent.

6 (b) Only those units of average daily attendance for independent  
7 study that reflect a pupil-teacher ratio that does not exceed the  
8 ratio described in subdivision (a) shall be eligible for apportionment  
9 pursuant to Section 42238.5, for school districts, and Section 2558,  
10 for county offices of education. This section shall not prevent a  
11 school district or county office of education from serving additional  
12 units of average daily attendance greater than the ratio described  
13 in subdivision (a), except that those additional units shall not be  
14 funded pursuant to Section 42238.5 or Section 2558.

15 (c) The calculations performed for purposes of this section shall  
16 not include either of the following:

17 (1) The average daily attendance generated by special education  
18 pupils enrolled in special day classes on a full-time basis, or the  
19 teachers of those classes.

20 (2) The average daily attendance or teachers in necessary small  
21 schools that are eligible to receive funding pursuant to Article 4  
22 (commencing with Section 42280) of Chapter 7 of Part 24 of  
23 Division 3.

24 (d) The pupil-teacher ratio described in subdivision (a) in a  
25 unified school district participating in the class size reduction  
26 program pursuant to Chapter 6.10 (commencing with Section  
27 52120) may, at the school district's option, be calculated separately  
28 for kindergarten and grades 1 to 6, inclusive, and for grades 7 to  
29 12, inclusive.

30 (e) The pupils-to-certificated-employee ratio described in  
31 subdivision (a) may, in a charter school, be calculated by using a  
32 fixed pupils-to-certificated-employee ratio of 25 to one, or by being  
33 a ratio of less than 25 pupils per certificated employee. All charter  
34 school pupils, regardless of age, shall be included in  
35 ~~pupil-to-certificated-employee~~ *pupils-to-certificated-employee*  
36 ratio calculations.

37 *SEC. 5. Section 51747 of the Education Code is amended to*  
38 *read:*

39 51747. (a) A school district~~or~~, county office of education,  
40 *or charter school* shall not be eligible to receive apportionments

1 for independent study by pupils, regardless of age, unless it has  
2 adopted written policies, and has implemented those policies,  
3 pursuant to rules and regulations adopted by the Superintendent  
4 of Public Instruction, that include, but are not limited to require,  
5 at a minimum, all of the following:

6 ~~(a) The maximum length of time, by grade level and type of~~  
7 ~~program, that may elapse between the time an independent study~~  
8 ~~assignment is made and the date by which the pupil must complete~~  
9 ~~the assigned work.~~

10 (1) (A) *Periodic contact between the certificated employee*  
11 *providing instruction and the pupil to assess whether satisfactory*  
12 *educational progress is made.*

13 (B) *If satisfactory educational progress is not made, a*  
14 *certificated employee shall notify the pupil and the pupil's parent*  
15 *or guardian.*

16 ~~(b) The number of missed assignments that will be allowed~~  
17 ~~before an~~

18 (C) *If satisfactory educational progress is not made, an*  
19 *evaluation is shall be conducted to determine whether it is in the*  
20 *best interests of the pupil to remain in independent study, or*  
21 *whether he or she should return to the regular school program. A*  
22 *written record of the findings of any evaluation made pursuant to*  
23 *this subdivision shall be treated as a mandatory interim pupil*  
24 *record. The record shall be maintained for a period of three years*  
25 *from the date of the evaluation and, if the pupil transfers to another*  
26 *California public school, the record shall be forwarded to that*  
27 *school. A pupil shall not continue to participate in independent*  
28 *study without evidence of satisfactory educational progress unless*  
29 *independent study is determined by the district or county*  
30 *superintendent, or charter administrator or designee, to be in the*  
31 *best interest of the pupil.*

32 (D) *For purposes of this section, "satisfactory educational*  
33 *progress" includes meeting measures such as applicable statewide*  
34 *accountability measures and assessments, the completion of*  
35 *assignments, required laboratories or online workgroups, or other*  
36 *indicators that the pupil is working on assignments and learning*  
37 *required concepts, as determined by the supervising certificated*  
38 *employee.*

39 (e)

1     ~~(2) A requirement that a current written agreement for each~~  
2     ~~independent study pupil shall be that is maintained on file~~  
3     ~~including, but in a paper or electronic copy. The written agreement~~  
4     ~~shall include a copy of the governing board's independent study~~  
5     ~~authorization, and shall include, but is not limited to, all of the~~  
6     ~~following:~~

7     ~~(1) The manner, time, frequency, and place for submitting a~~  
8     ~~pupil's assignments and for reporting his or her progress.~~

9     ~~(2) The objectives and methods of study for the pupil's work,~~  
10    ~~and the methods utilized to evaluate that work.~~

11    ~~(3) The specific resources, including materials and personnel,~~  
12    ~~that will be made available to the pupil.~~

13    ~~(4)~~

14    ~~(A) A statement of the policies adopted pursuant to subdivisions~~  
15    ~~(a) and (b) regarding the maximum length of time allowed between~~  
16    ~~the assignment and the completion of a pupil's assigned work, and~~  
17    ~~the number of missed assignments allowed prior to an evaluation~~  
18    ~~of whether or not the pupil should be allowed to continue in~~  
19    ~~independent study; paragraph (1) and as determined by each local~~  
20    ~~educational agency that specifies periodic contact between pupils~~  
21    ~~and certificated employees and identifies the accountability~~  
22    ~~measures and assessments that will be used to determine~~  
23    ~~satisfactory educational progress. In all cases, the authorization~~  
24    ~~for independent study shall include the learning objectives required~~  
25    ~~to achieve satisfactory educational progress.~~

26    ~~(5)~~

27    ~~(B) The duration of the independent study agreement, including~~  
28    ~~the beginning and ending dates for the pupil's participation in~~  
29    ~~independent study under the agreement. No independent study~~  
30    ~~agreement shall be valid for any period longer than one semester,~~  
31    ~~or one-half year for a school on a year-round calendar.~~

32    ~~(6)~~

33    ~~(C) A statement of the number of course credits or, for the~~  
34    ~~elementary grades, other measures of academic accomplishment~~  
35    ~~appropriate to the agreement, to be earned by the pupil upon~~  
36    ~~completion.~~

37    ~~(7)~~

38    ~~(D) The inclusion of a statement in each independent study~~  
39    ~~agreement that independent study is an optional educational~~  
40    ~~alternative in which no pupil may be required to participate. In the~~

1 case of a pupil who is referred or assigned to any school, class, or  
2 program pursuant to Section 48915 or 48917, the agreement also  
3 shall include the statement that instruction may be provided to the  
4 pupil through independent study only if the pupil is offered the  
5 alternative of classroom instruction.

6 ~~(8) Each written agreement shall be signed, prior to~~

7 *(E) The signatures, affixed before the commencement of*  
8 *independent study, by of the pupil, the pupil's parent, legal*  
9 *guardian, or caregiver, caregiver if the pupil is less than 18 years*  
10 *of age, and the certificated employee who has been designated as*  
11 *having responsibility for the general supervision of independent*  
12 *study, and all persons who have direct responsibility for providing*  
13 *assistance to the pupil. For purposes of this paragraph "caregiver"*  
14 *means a person who has met the requirements of Part 1.5*  
15 *(commencing with Section 6550) of Division 11 of the Family*  
16 *Code.*

17 *(b) Independent study may commence upon receipt of an*  
18 *electronic copy of the agreement specified in paragraph (2) of*  
19 *subdivision (a).*

20 *(c) For purposes of this section, an "electronic copy" includes*  
21 *a computer or electronic stored image of an original document,*  
22 *including, but not limited to, portable document format (PDF),*  
23 *JPEG, or other digital image file type, which may be sent via fax*  
24 *machine, e-mail, or other electronic means.*

25 *(d) As a condition of apportionment, local educational agencies*  
26 *shall retain written or electronic documentation that demonstrates*  
27 *satisfactory educational progress for independent study pupils.*

28 SEC. 6. Section 51747.3 of the Education Code is amended to  
29 read:

30 51747.3. (a) (1) Notwithstanding any other provision of law,  
31 a local educational agency, including, but not limited to, a charter  
32 school, may not claim state funding for the independent study of  
33 a pupil, whether characterized as home study or otherwise, if the  
34 local educational agency has provided any funds or other thing of  
35 value to the pupil or his or her parent or guardian that the local  
36 educational agency does not provide to pupils who attend regular  
37 classes or to their parents or guardians. A charter school may not  
38 claim state funding for the independent study of a pupil, whether  
39 characterized as home study or otherwise, if the charter school has  
40 provided any funds or other thing of value to the pupil or his or

1 her parent or guardian that a school district could not legally  
2 provide to a similarly situated pupil of the school district, or to his  
3 or her parent or guardian.

4 *(2) Paragraph (1) does not apply to technology-based*  
5 *instruction courses for which the local educational agency provides*  
6 *computer equipment, software, or both, or other components*  
7 *necessary for pupils to participate in online instruction.*

8 (b) Notwithstanding paragraph (1) of subdivision (d) of Section  
9 47605 or any other ~~provision of~~ law, community school and  
10 independent study average daily attendance shall be claimed by  
11 school districts, county superintendents of schools, and charter  
12 schools only for pupils who are residents of the county in which  
13 the apportionment claim is reported, or who are residents of a  
14 county immediately adjacent to the county in which the  
15 apportionment claim is reported.

16 (c) ~~The Superintendent of Public Instruction~~ shall not apportion  
17 funds for reported average daily attendance, through full-time  
18 independent study, of pupils who are enrolled in school pursuant  
19 to subdivision (b) of Section 48204.

20 (d) In conformity with Provisions 25 and 28 of Section 2.00 of  
21 the Budget Act of 1992, this section is applicable to average daily  
22 attendance reported for apportionment purposes beginning July 1,  
23 1992. The provisions of this section are not subject to waiver by  
24 ~~the State Board of Education~~ *state board*, by the ~~State~~  
25 ~~Superintendent of Public Instruction~~, or under any provision of  
26 Part 26.8 (commencing with Section 47600).